

ORDINANCE NO. 346

An Ordinance defining, regulating and licensing solicitors, canvassers, peddlers, itinerant merchants, hawkers or hucksters and providing penalties for the violation of such regulations and repealing ordinances in conflict herewith.

Be it ordained by the City Council of the City of Las Animas:

Section 1: Ordinance No. 333, known as Offenses Ordinances of the City of Las Animas is hereby amended by adding a new article which shall be numbered 19 and relate to the regulation of solicitors, canvassers, peddlers, itinerant merchants, hawkers and hucksters to read as follows:

19-1: License and Bond Required. It shall be unlawful for any person to solicit, canvass, peddle or engage in business as a transient merchant or as a hawker or huckster as defined in Section 19-3 hereof within the corporate limits of the City of Las Animas without first filing a bond and obtaining a license as required by this article.

19-2.1: Soliciting or canvassing is for the purposes of this article defined as the act by any person, whether a resident of the City of Las Animas or not, of traveling or moving from person to person or house to house, or from street to street by foot or by any mode of conveyance and inviting, taking or attempting to take orders or subscriptions for the sale of or for future deliveries of books, magazines or periodicals or other similar publications or for contractual services of any description whether requiring professional or technical competence or skilled or unskilled labor or a combination of services and materials and irrespective of whether such services or combination of services and materials is to be delivered or furnished or performed immediately or at some future date.

19-2.2: Engaging in business as a transient merchant or hawker or huckster is for the purpose of this article defined as the act by any person, whether a resident of the City of Las Animas or not, of traveling or moving from person to person, or from house to house, or from street to street by foot or by any mode of conveyance and inviting or taking orders for sale or future delivery of goods, wares or merchandise, or any kind of personal property whatsoever, whether such person has, carries or exposes for sale a sample of the subject of such sale and whether or not he is collecting advance payments on such sales or not. This term shall also include all such acts as consumer surveys, free inspections, free technical counsel, etc., when such acts are a part of a scheme to make a later customer contact appear a separate transaction.

19-2.3: The terms herein defined shall not mean or include act of selling daily or weekly newspapers by new boys whether on a regular route or not, nor calls by sales representatives of wholesalers or jobbers upon the retail merchants in this city, nor fixed base mail order offices of mail order merchants nor a farmer selling produce raised or produced by him. Nor dairies selling dairy products. Persons selling insurance or securities if licensed by the State of Colorado to sell insurance and securities and if the securities offered are approved by the Federal Securities Exchange Commission or the Colorado Securities Division of the Department of Law.

19-2.4: Upon a proper showing to the satisfaction of the City Clerk that an applicant is acting for or is employed by a non-profit charitable, religious or educational association or organization, such persons shall be exempt from the bond filing and license fee payment requirement of this ordinance.

19-3: Any persons desiring to canvas, solicit or peddle in the City of Las Animas shall first make an application for the license under this ordinance with the City Clerk of the City of Las Animas, which application shall include a sworn statement on forms to be furnished by the City Clerk giving the following information:

19-3.1: Name of applicant.

19-3.2: Address, legal and local.

19-3.3: A brief description of the nature of the business and the goods to be sold, solicited and serviced.

19-3.4: The length of time for which the right to do business is desired.

19-3.5: If a vehicle is to be used, the description of the same, together with the license number and other means of identification.

19-3.6: A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

19-3.7: A brief statement of the nature and character of the advertising said applicant plans to use shall be attached to said application with exhibits thereto.

19-3.8: Credentials of the person, firm or corporation for which the applicant wishes to do business, authorizing the applicant to act as such representative.

19-3.9: Such reasonable or other information as to the identity or character of the person or persons having management or supervision of applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

19-4.1: Investigation and issuance: Upon the receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

19-4.2: If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

19-4.3: If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the applica-

tion his approval and return the same to the City Clerk who shall upon payment of the prescribed license fee, and the filing of the required bond, deliver to the applicant his permit and issue a license to said applicant.

19-5: Before any license, as provided by this ordinance, shall be issued to an applicant, such applicant shall file with the City Clerk a bond running to the City of Las Animas in the sum of (a) One Hundred Dollars for magazine solicitors or canvassers (b) for others. One Thousand Dollars executed by the applicant as principle with at least one surety upon whom service of process may be made in the State of Colorado; such bond shall be conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the City of Las Animas, and the statutes of the State of Colorado, regulating and concerning the applicants or any of them together with all judgments and costs that may be recovered against him by any person or persons for damages growing out of any misrepresentation or deception practiced on any persons transacting such business with such licenses his agent or employees either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, merchandise and services sold or any part thereof. Such bond shall be so drawn that action on the bond may be brought in the name of the city for the use of the aggrieved person, or by the aggrieved person directly. Such bond must be approved by the City Clerk, both as to form and as to the responsibility of the surety thereon.

19-6.1: At the time of the filing of the application such applicant shall pay a fee of \$5.00.

19-6.2: At the time of the issuance of the license such applicant shall pay an additional fee of the sum of \$20.00 per week, or any part thereof. This pertains to magazine subscription solicitors or canvassers.

19-6.3: For any peddler, or any canvasser or salesman of services, the sum of \$100.00 per year or any part thereof.

Each separate individual coming under provisions of this ordinance shall be required to obtain a separate license and pay a separate license fee.

19-7: Badges: The license herein provided to be issued shall be in the form of a badge for each individual licensee under this ordinance. The badge shall bear the words, "Licensed Peddler" or "Licensed Solicitor." The period for which the license is issued and the number of the license in letters and figures plainly discernible. Such badge shall be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous and during such time as such licensee is engaged in the business for which he is licensed.

19-8: It shall be the duty of any police officer of the City of Las Animas to require any person required to have a license as provided in this ordinance and who is not known by such officer to be duly licensed to produce his license and to enforce the provisions of this ordinance against any person or persons found to be violating the same.

19-9: The Chief of Police shall report to the City Clerk all convictions for violation of this ordinance and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

19-10: Licenses issued under the provisions of this ordinance shall be revoked by the police magistrate of the City of Las Animas, after notice of hearing for any of the following causes: (1) fraud, misrepresentation or false statement contained in the application of the license; (2) fraud, misrepresentation or false statement made in the course of carrying on of the licensee's business; (3) any violation of this ordinance; (4) conviction of any crime or misdemeanor involving moral servitude; (5) conducting his business in an unlawful manner, in such manner to constitute a breach of peace or to constitute a menace to the health, safety and general welfare of the public. Notice of hearing on the matter of revocation shall be given in writing setting forth specifically the grounds of complaint and time and place of

the hearing. Such notice shall either be delivered personally or shall be mailed, postage prepaid, to the licensee at his last known address, five days prior to the day set for the hearing.

19-11: Any person aggrieved by the action of the City Clerk or the Chief of Police of the City of Las Animas, in the denial of a permit or in the denial or revocation of a license shall have the right to appeal to the City Council of the City of Las Animas. Such appeal shall be taken by filing with the City Council within 14 days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 2 of this ordinance for notice of hearing on revocation. The decision and order of the Board on such appeal shall be final and conclusive.

19-12: All licenses shall expire on the dates specified in the license.

19-13: Any persons violating any of the provisions of this ordinance shall be punished by fine not exceeding \$100.00.

Section 2: Repeal of Conflicting Ordinance: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance and specifically Ordinance 276 shall be and the same are hereby repealed.

Section 3: This ordinance shall take effect from and after its passage and publication as provided by law.

Read and adopted on first reading this 1st day of October, 1962.

VERA WYGLE,
City Clerk.

Read and adopted on third and final reading and ordered published this 5th day of November, 1962.

Approved:
A. F. COFFEY,
Mayor.

Attest:
VERA WYGLE, City Clerk.

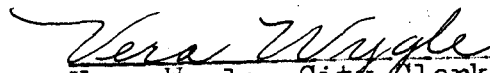
CERTIFICATION TO ORDINANCE NO. 346

STATE OF COLORADO)
COUNTY OF BENT)
CITY OF LAS ANIMAS)

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I, Vera Wygle, City Clerk of the City of Las Animas, Colorado do hereby certify that the above and foregoing ordinance was introduced and read in full, passed on first reading at a regular session of the City Council on Monday the 1st day of October, 1962 and published in the Las Animas Leader in its issue of October 5, 1962, and was finally passed and adopted and approved at a regular meeting of the City Council held November 5, 1962, and ordered published in the Las Animas Leader in its issue of November 8, 1962, and numbered Ordinance No. 346.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the City of Las Animas, Colorado this 9th day of November, 1962.


Vera Wygle, City Clerk